SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July	y 17, 2016		
Time of Incident:	10:3	30 AM		
Location of Incident:				
Date of COPA Notifica	ation: July	y 17, 2016		
Time of COPA Notific	ation: 11:	53 AM		
report an allegation of do July 17, 2016, Officer her and physically restra Officer was not pro-	threw keys ained her on the esent. Ms.	at her, grabbed her about the neck i floor. Chicago Police officers respo ultimately refused to be interview the allegations. Based on the total	alleged that on n attempts to strangle nded to the scene, but wed by COPA for this	
II. INVOLVED PARTIES				
Involved Officer #1:	App DO	, Star , Employee # cointment: , 2001, Police Off B , 1969, Male, Black	ficer, Unit,	
Involved Individual #1	:	, DOB, 1974	l, Female, Black	
III. ALLEGATI	ONS			
Officer	Allegation		Finding / Recommendation	
Officer	at the locatio	2016, at approximately 10:30 AM,	Not Sustained	

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

2. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of grabbed her by the neck in violation of Rule 9.	Not Sustained
3. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of choked her in Violation of Rule 9.	Not Sustained
4. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of physically restrained her on the floor in violation of Rule 9.	Not Sustained

IV. APPLICABLE RULES AND LAWS

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- 1. Rule 8 "Disrespect to or maltreatment of any person, while on or off duty.
- 2. Rule 9 "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION

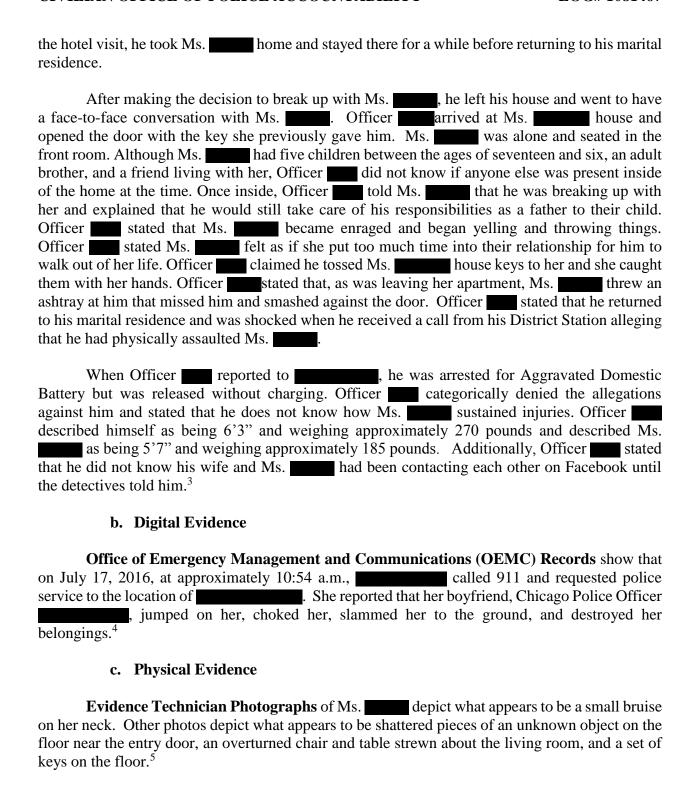
a. Interviews

The victim, failed to cooperate with this investigation. After failing to appear at three scheduled interviews with IPRA, Ms. related she did not wish to cooperate with the investigation and signed a form to that effect on Sep. 20, 2016.²

In a digitally recorded statement at COPA on Nov	v. 2, 2018, Officer related that he
met and began to date in 2012 when he and	I his wife were having marital problems.
Officer and Ms. had a child together and, thou	igh his wife found out years later, Officer
and his wife decided to remain married. A few days	prior to the incident, Officer wife
told him that he needed to end his relationship with Ms.	if he wanted to remain married to
her. On the date of the incident, Officer wife return	rned from a weeklong trip and suspected
that he had been spending time with Ms. Officer	stated that he was tired of lying to
his wife and decided to repair his marriage and break up w	with Ms. In his statement, Officer
admitted that the night before the incident, while his	
went to grab something to eat before renting a hotel room	for a few hours. After

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² Att. 27

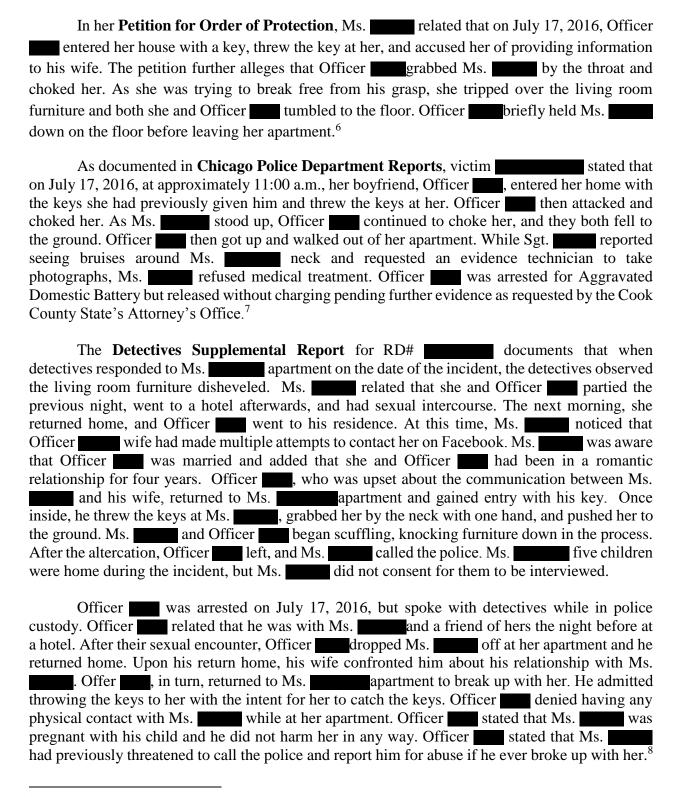


³ Att. 51

⁴ Att. 23

⁵ Att. 26

d. Documentary Evidence



⁶ Att. 17

⁷ Att. 7, 8

⁸ Att. 53

An Emergency Order of Protection was granted on July 19, 2016, restricting Officer from having any contact with Ms. with a return court date of August 9, 2016. On August 9, 2016, the Emergency Order of Protection was terminated on Ms. motion. motion.

e. Additional Evidence

A canvass was conducted but no additional witnesses were identified. 11

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. Not Sustained where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. Unfounded where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. Exonerated where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See Avery v. State Farm Mutual Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." Id. at ¶ 28.

VII. ANALYSIS

C	OPA recomm	nends a fin	ding of Not Su	stained for	Allegation	ns # 1-4 tha	t Officer	threw
a key	at	, grabl	oed her by the r	neck, choke	d her, and	physically	restrained h	er on the
floor.	Although	Ms.	immediately	called the	police and	d filed an	emergency	order of

¹⁰ Att. 32

⁹ Att. 18

¹¹ Att. 28

protection, she failed to cooperate with this investigation and eventually terminated the emergency
order of protection. This prevented COPA from having the opportunity to hear her account of the
events that occurred on July 17, 2016. In his statement, Officer stated that he tossed the keys
to her and she caught them. Officer denied the allegations and stated that, although Ms
was angry over the break-up and threw an ashtray at him that shattered when it hit the wall
he did not have any physical contact with her. Although Ms. sustained a bruise to her neck
without Ms. full account of the incident, additional witnesses to the incident, body camera
evidence, medical records, or additional corroborating evidence there is insufficient evidence to
either prove or disprove the allegations. Thus, the allegations are Not Sustained .

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer	1. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of threw a key at her in violation of Rule 8.	Not Sustained
	2. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of grabbed her by the neck in violation of Rule 9.	Not Sustained
	3. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of process, Officer choked her in Violation of Rule 9.	Not Sustained
	4. The complainant, alleged that on July 17, 2016, at approximately 10:30 AM, at the location of physically restrained her on the floor in violation of Rule 9.	Not Sustained

Approved:

March 29, 2019	
 Date	

Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	